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EXAMINER
WOO, KUO-KONG

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/576,112	UEMATSU ET AL.
Office Action Summary	Examiner	Art Unit	
	KUO WOO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/14/06 and 12/31/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) filed on 4/16/2006 and 12/31/2008

has been considered.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Drawings

3.   The drawings submitted on 8/21/2006. These drawings are reviewed and

accepted by the examiner.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Functional

Descriptive Material (programs and Data structures).

5.   Claims 50-55 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 50-55 are drawn to functional

descriptive material NOT claimed as residing on a computer readable medium.   MPEP

2106.IV.B.1 (a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claims 50-55, while defining a program causes in a positional information notification system does not define a "computer-readable medium" and is thus non-statutory for that reasons. A computer program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1 (a)

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.
Undue multiplicity exists because all independent claims have been repeated
without distinctly claiming the subject matter. See MPEP:

2173.05(n) [R-2]   Multiplicity

37 CFR 1.75. Claim(s).
    (a)   The specification must conclude with a claim particularly pointing out and distinctly claiming
the subject matter which the applicant regards as his invention or discovery.

    (b)   More than one claim may be presented provided they differ substantially from each other
and are not unduly multiplied.

7.   Claims 1,4,7,10, 17-31,34-35,40,43,45,50-55 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 50, a positional information notification system

comprising (a mobile communication network), (one or two terminal position

determination devices), (one or more servers), (terminal) ...are repeated throughout all

independent claim. Where, in view of the nature and scope of applicant's invention,

applicant presents an unreasonable number of claims which most of contents are

repetitious and multiplied, the net result of which is to confuse rather than to clarify, a

rejection on undue multiplicity based on 35 U.S.C. 112, second paragraph. As noted by

the court in In re Chandler, 319 F.2d 211, 225, 138 USPQ 138, 148 (CCPA 1963),

"applicants should be allowed reasonable latitude in stating their claims in regard to

number and phraseology employed.

All remaining independent claims are rejected as same reasons as claims 1 and

50 which have been repeated each content throughout entire claims and fail to point out

and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

9.   Claims 1-30 and 40-49 are rejected under 35 U.S.C. 102 (e) as being anticipated

by Evensen et al. (US-PGPUB 2003/0153332 A1).

Regarding claim 1, Evensen discloses "A positional information notification

system comprising a mobile communication network (Abstract, A **system and method**

in a **mobile communication network** for providing **enhanced user privacy** when

responding to a **location request** from a **client requesting location information** for a

mobile terminal). to which one or more terminals and one or more terminal position

determination devices are connected, and one or more servers (Abstract, a home

location register/home **subscriber server (HLR/HSS)** associated with the **mobile**

terminal) that can communicate with said terminal, said terminal position determination

device (¶05, The main network component for providing LCS services is the GMLC

(**Gateway Mobile Location Center)** (Terminal Position Determination Device), to

which all location requests are transmitted, and which, in return, provides the

requested location from the mobile network,… tracking of **persons or vehicles**)

having a function for receiving a position request message from said terminal and

providing to said terminal, information on the position of said terminal, when said

terminal notifies the server selected from said one or more servers that can

communicate with said terminal of the positional information of the terminal itself, said

terminal obtaining via said position request message said information on the position of

the terminal itself from said terminal position determination device, determining the

positional information of the terminal itself and notifying said selected server (¶16, The

system includes a mobile location node that receives the location request from the

client, **requests routing information from the HLR/HSS**, and forwards the location

request to the service node; and a list stored in the HLR/HSS of **approved codewords**

associated with the mobile terminal) of the positional information, wherein said

terminal position determination device has privacy settings (¶15, The functionality of

existing nodes such as the GMLC, HLR/HSS, SGSN, and MSC is extended, to provide

enhanced user privacy) for users who use each of the terminals, and a privacy check

unit, which privacy check unit having a function for determining, based on said privacy

setting, whether to permit the notification of the positional information from said terminal

to said selected server, wherein said terminal position determination device, upon

receiving said position request message from said terminal, determines by using said

privacy check unit whether to permit the notification (¶22, enhanced privacy checks and

can exercise full control in order to protect the privacy of subscribers roaming in a

different PLMN) of the positional information from said terminal to said selected server,

and if permitted, provides to said terminal said information on the position (¶23,

"Allowed Requestor List" or "codeword" to authorize LCS requests.) of said terminal".

Wherein privacy setting is stored and compared to user profile for permit or reject to

send location information to server (HSS).

Regarding claim 2, Evensen discloses "wherein said terminal position

determination device inquires, (¶06, The Provide Subscribe Location message is

utilized by the GMLC to request the subscriber's location, from the Serving GPRS

Support Node (SGSN) or Mobile Switching Center (MSC)) by using said privacy check

unit (¶06, The SGSN or MSC maps the received LCS client ID parameter to the

subscriber's recorded privacy parameters (e.g., list of allowed LCS clients) to screen

out any unwelcome location requests), of the user of said terminal about whether to

permit the notification of the positional information to said selected server, and provides

to said terminal said information on the position of said terminal (¶16, providing

enhanced user privacy when responding to a location request from a client requesting

location information for a mobile terminal only when said user permits the notification of

the positional information to said selected server"(¶16, The mobile network includes a

service node serving the mobile terminal and a home location register/home subscriber

server (HLR/HSS) associated with the mobile terminal, wherein mobile unit will send

location information to server (HSS) only if user permits.

Regarding claim 3, Evensen discloses "wherein a condition for said inquiry of the user of said terminal in said privacy check unit is that the notification of the positional information from said terminal to said selected server is not permitted based on the privacy setting for the user who uses said terminal". (¶27, If either one of the SGSN or MSC node supports the enhanced user privacy; **the HLR/HSS sends only** the routing address 15 of the node that supports the enhanced user privacy to the GMLC), and (¶35, the HLR/HSS (server) then verifies that the codeword received from the GMLC 5 matches one of the codewords 8 stored for the target subscriber. If the codeword does not match, the HLR/HSS may send an error indication to the GMLC, and the LCS procedure is ended. If the codeword matches, the HLR/HSS may verify that the VMSC supports the enhanced user privacy mechanisms (this information is received in the HLR/HSS at location update in the "LCS supported capabilities set"). In order to protect the privacy of a roaming subscriber, the HLR/HSS may reject the Send_Routing_Info_for_LCS message if the VMSC/SGSN does not support enhanced privacy checks. If the codeword matches, and the VMSC/SGSN supports the needed LCS capabilities, the HLR/HSS then sends the routing information (i.e., the VMSC/SGSN address) to the GMLC in a Send_Routing_Info_for_LCS_ack message 33),Wherein LC will send only if SGSN or MSC is supporting privacy setting.

Regarding claims 4, 5 and 6 have limitations similar to those treated in the above claim 1 rejection(s), and are met by the references as discussed above.

Regarding claim 7, Evensen discloses "two or more mobile communication networks (¶15, although the invention is described for exemplary purposes in the

context of GPRS/GSM, the invention may also be practiced in other **similar packet-switched** or **circuit-switched mobile telephone networks**) to which one or more terminals and one or more terminal position determination devices are connected, and one or more servers that can communicate with said terminal, said terminal position determination device having a function for receiving a position request message from said terminal and providing to said terminal, information on the position of said terminal, when said terminal notifies the server selected from said one or more servers that can communicate with said terminal of the positional information of the terminal itself, said terminal obtaining via said position request message said information on the position of the terminal itself from said terminal position determination device, determining said positional information of the terminal itself and notifying said selected server of said positional information,

wherein a first of said terminal position determination device associated with a first of said mobile communication network has privacy settings for users who use each of the terminals associated with said first mobile communication network, and a privacy check unit, which privacy check unit having a function for determining whether to permit, based on said privacy setting, the notification of the positional information from said terminal associated with said first mobile communication network to said selected server (Abstract, A system and method in a mobile communication network for providing enhanced user privacy when responding to a location request from a client requesting location information for a mobile terminal. The system includes a mobile location node, a service node serving the mobile terminal, and a home location register/home

subscriber server (HLR/HSS) associated with the mobile terminal. A list of approved

codewords and a list of approved service types are stored in the HLR/HSS, and only

location requests that include approved codewords or service types from these lists are

accepted by the system),

Wherein a second of said terminal position determination device associated with

a second of said mobile communication network,(¶06, The SGSN or MSC maps the

received LCS client ID parameter to the subscriber's recorded privacy parameters (e.g.,

list of allowed LCS clients) to screen out any unwelcome location requests) upon

receiving said position request message from said terminal associated with the first

mobile communication network, inquires of said first terminal position determination

device about whether to permit the notification of the positional information from said

terminal to said selected server,(¶07, It would also be desirable for the location

information to be given only to those requestors who are entitled to have it).

wherein said first terminal position determination device determines by using

said privacy check unit whether to permit, based on said privacy setting, the notification

of the positional information from said terminal to said selected server, and notifies said

second terminal position determination device of the result of the determination (¶12,

Enhanced privacy handled in a GMLC located in the subscriber's home Public Land

Mobile Network (HPLMN) that is connected to a GMLC in a Visited PLMN (VPLMN),

wherein second terminal position determination device is locate d as Visited PLMN.

wherein said second terminal determination device provides to said terminal said

information on the position of said terminal, if the notification of the positional

information (¶22, When a subscriber roams to a VPLMN, the HPLMN is made aware of

the LCS capabilities of the VMSC/SGSN by means of a "Supported LCS capabilities

sets" mechanism. Thus, the HPLMN (HLR/HSS) is aware of the VMSC/SGSN

capability to support enhanced privacy checks and can exercise full control in order to

protect the privacy of subscribers roaming in a different PLMN).from said terminal to

said selected server is permitted based on the result of said determination notified from

said first terminal position determination device". Wherein second terminal position

device notifies server if is permitted by first terminal position device associated with

enhance privacy check.

Regarding claims 8-14 have limitations similar to those treated in the above claim

7 rejection(s), and are met by the references as discussed above.

Regarding claim 15, Evensen discloses "wherein said information on the position

provided to said terminal from said terminal position determination device is the

positional information of said terminal" (¶39, if the service type supplied by the GMLC

matches the identity of any service type contained in the UE's SLPP), wherein UE is

user equipment as said terminal.

Regarding claim 16, Evensen discloses "wherein said information on the position

provided to said terminal from said terminal position determination device is

supplementary information (¶28,the GMLC 5 then forwards the LCS Request at 16 to

the SGSN or MSC 3. The **forwarded LCS Request** carries the **Service Type (Service**

type and Requestor ID are supplementary information of UE location) when one

has been received from the LCS Client 1. FIGS. 3A and 3B) required for said terminal

to determine the positional information of the terminal itself".

Regarding claim 17, Evensen discloses "a positional information notification

method comprising the steps: (1) a terminal for notifying a server that can communicate

with the terminal of the positional information of the terminal itself transmits a position

request message (¶16, The system includes a mobile location node that receives the

location request from the client, requests routing information from the HLR/HSS (

server), and forwards the location request to the service node) to a terminal position

determination device (¶05, The main network component for providing LCS services is

the GMLC (Gateway Mobile Location Center), to which all location requests are

transmitted, and which, in return, provides the requested location from the mobile

network, wherein GMLC is terminal position determination device,

2) Terminal position determination device determines whether to permit the

notification of the positional information (¶17, the main network component for providing

LCS services is the GMLC (Gateway Mobile Location Center), to which

all location requests are transmitted, and which, in return, provides the requested

location from the mobile network) from said terminal to said server based on privacy

setting information for a user who uses said terminal,

(3) if the notification of the positional information from said terminal to said server

has been determined to be permitted, position measurement (¶17, the method may

also include the steps of mapping the service identity received in the location request to

a service type utilizing a mapping function in the mobile location node) is performed

between said terminal position determination device and said terminal, wherein

mapping function is same as position measuring function of terminal location.

(4) Terminal position determination device (¶26, the GMLC may utilize mapping

function 13 to map the received service identity to a corresponding service type. If the

codeword functionality is supported, the GMLC may reject the LCS Request whenever

the LCS Client type is "value added" and the codeword was not received) provides to

said terminal the positional information of said terminal obtained by said position

measurement,

(5) Terminal notifies said server of said provided positional information of the

terminal itself. (¶24, It is understood that both the SGSN and the MSC inform the HLR of

their current LCS capabilities during a previous Update Location procedure.)

Regarding claims 18-29 have limitations similar to those treated in the above

claim 17 rejection(s), and are met by the references as discussed above.

Regarding claim 30 has limitations similar to those treated in the above claim 7

rejection(s), and are met by the references as discussed above.

Regarding claim 40, Evensen discloses "A privacy check device in a positional

information notification system comprising a mobile communication network to which

one or more terminals, one or more terminal position determination devices and one or

more privacy check devices are connected, and one or more servers that can

communicate with said terminal, said terminal position determination device having a

function for receiving a position request message from said terminal and providing to

said terminal, information on the position of said terminal, when said terminal notifies

the server selected from said one or more servers that can communicate with the

terminal of the positional information of the terminal itself, (¶16, providing enhanced

user privacy when responding to a location request from a client requesting location

information for a mobile terminal. The mobile network includes a service node serving

the mobile terminal and a home location register/home subscriber server (HLR/HSS)

associated with the mobile terminal. The location request includes an identifier for the

requesting client, a codeword, and a service identity. The system includes a mobile

location node that receives the location request from the client, requests routing

information from the HLR/HSS, and forwards the location request to the service node;

and a list stored in the HLR/HSS of approved codewords associated with the mobile

terminal. The codeword included in the location request must match a codeword from

the codeword list for the location request to be accepted. The mobile location node then

sends a mapped service type to the HLR/HSS when requesting routing information.

The HLR/HSS includes a list of approved service types associated with the mobile

terminal, and the mapped service type must match a service type from the service type

list in the HLR/HSS for the location request to be accepted) said terminal obtaining via

said position request message said information on the position of the terminal itself from

said terminal position determination device, determining the positional information of the

terminal itself and notifying said selected server of the positional information,

Wherein said privacy check device comprises a holding unit for holding privacy

settings for users who use each of the terminals, and a privacy check unit for

determining (¶21, privacy check is a comparison between information characterizing the

LCS request and information related to the subscriber profile) whether to permit, based on said privacy setting, the notification of the positional information from said terminal to said server,

wherein, when said terminal position determination device receives the position request message from said terminal, and inquires of said privacy check device about whether to permit the notification of the positional information from said terminal to said selected server, said privacy check device determines (¶24, inform the HLR about their supported enhanced privacy capabilities 7. The HLR can use this information later when a positioning is to be performed for a subscriber handled by this SGSN or MSC. According to the present invention, the HLR's capabilities are further extended by adding a list of codewords 8 and a list of service types for each registered UE) by using said privacy check unit whether to permit, based on said privacy setting, the notification of the positional information from said terminal to said selected server, and notifies said terminal position determination device of the result of the determination".

Regarding claims 41-48 have limitations similar to those treated in the above claim 40 rejection(s), and are met by the references as discussed above.

Regarding claim 49, Evensen discloses "wherein said information on the position provided to said terminal from said terminal position determination device is supplementary information (¶28,the GMLC 5 then forwards the LCS Request at 16 to the SGSN or MSC 3. The **forwarded LCS Request** carries the **Service Type (Service type and Requestor ID are supplementary information of UE location)** required for said terminal to determine the positional information of the terminal itself.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 31-39 and 50-55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Evensen et al. in view of Ichimura (US-PGPUB 2003/0084119 A1).

        Regarding claim 31, Evensen discloses " A terminal position determination

device in a positional information notification system comprising a mobile

communication network to which one or more terminals and one or more terminal

position determination devices are connected, and one or more servers (¶16, The

mobile network includes a service node serving the mobile terminal and a home location

register/home **subscriber server (HLR/HSS)** associated with the mobile terminal)that

an communicate with said terminal, said terminal position determination device having a

function for receiving a position request message from said terminal and providing to

said terminal, information on the position of said terminal, when said terminal notifies

the server selected from said one or more servers that can communicate with said

terminal of the positional information of said terminal, said terminal obtaining via said

position request message said information (¶05, The main network component for

providing LCS services is the GMLC (Gateway Mobile Location Center), to which all

location requests are transmitted, and which, in return, provides the requested location

from the mobile network.) on the position of the terminal itself from said terminal position

determination device, determining the positional information of the terminal itself and

notifying said selected server of the positional information,

wherein said terminal position determination device comprises a holding unit for

holding a privacy setting (¶12, **Enhanced privacy** handled in a **GMLC** located in the

subscriber's home Public Land Mobile Network (HPLMN) that is connected to a GMLC

in a Visited PLMN (VPLMN)) for a user who uses said terminal, a privacy check unit for

determining whether to permit, based on said privacy setting, the notification of the

positional information from said terminal to said selected server, and a providing unit for,

upon receiving said position request message from said terminal, determining by using

said privacy check unit whether to permit the notification of the positional information

from said terminal to said selected server, and, if permitted, providing to said terminal

(¶15, The functionality of existing nodes such as the GMLC, HLR/HSS, SGSN, and

MSC is extended, and a few changes in signaling are implemented, to provide

enhanced user privacy) information on the position of said terminal"

Regarding claim 32, Evensen discloses "wherein the user of said terminal is

inquired by said privacy check unit about whether to permit the notification of the

positional information. However, Evensen does not explicitly disclose "said selected

server", and said information on the position of said terminal is provided to terminal only

when said user permits the notification of the positional information to said selected

server".

In an analogous art, Ichimura discloses (Abstract, the position information

processing terminal obtains a position of a user and when a current position of the user

is inside of a predetermined region set in advance, refrains from transmitting position

information **to a server** to make no request for position related information, thereby

protecting privacy. In addition, switching position information of the user between

transmission enabled and disabled every time the user comes in and out of a certain

region realizes control of transmission/non-transmission of position information every

time the user passes through a **specific region**), wherein information will send to

specific server if get permit from the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use Evensen teaching in privacy setting in location

notification of terminal device and in combination of Ichimura provides a position of a

user to be transmitted to a server through a communication network to supply position

related information which is related to the position information in question from the

server) see (¶02).

Rationales for arriving at a conclusion of obviousness suggested by the

Supreme Court's decision in KSR include:

Combine prior art elements according to known method to yield predictable result.

Regarding claims 33-37, Ichimura discloses "wherein a condition for said inquiry

of the user of said terminal in said privacy check unit is that the notification of the

positional information from said terminal to said selected server is not permitted based

on the privacy setting (¶77, setting unit 40 is a means by which a user is allowed to set

a certain geographical region. By using the region setting unit 40, the user sets a

geographical region where he/she wants to protect his/her **privacy** by **refraining from**

sending his/her own position information to the position related information supply

server)for the user who uses said terminal".

Regarding claim 38 has limitations similar to those treated in the above claim 32

rejection(s), and are met by the references as discussed above.

Regarding claim 39, Evensen discloses "wherein said information on the position

provided to said terminal is supplementary information (¶28, the GMLC 5 then forwards

the LCS Request at 16 to the SGSN or MSC 3. The **forwarded LCS Request** carries

the **Service Type (Service type and Requestor ID are supplementary information**

of UE location) required for said terminal to determine the positional information of the

terminal itself".

Regarding claim 50, Ichimura discloses" A program causes (¶13, an object of the

present invention is to provide a position information processing terminal and a position

information supply system, and a position information processing method which intend

to protect privacy of a user who is provided with position related information, and an

operation **control program therefor**) in a positional information notification system

comprising a mobile communication network to which one or more terminals and one or

more terminal position determination devices are connected, and one or more servers

that can communicate with said terminal, said terminal position determination device

having a function for receiving a position request message from said terminal and

providing to said terminal, information on the position of said terminal, when said

terminal notifies the server selected from said one or more servers that can

communicate with said terminal of the positional information of said terminal, said

terminal obtaining via said position request message said information on the position of

the terminal itself from said terminal position determination device, determining the

positional information of the terminal itself, and notifying said selected server of said

positional information, a computer constituting (¶29, a **program for making a**

computer to execute a position information processing method in a position

information processing terminal for transmitting position information indicative of a

position of a user to a server through a communication network and receiving position

related information which is related to the position information from the server,

comprising the function of) said terminal position determination device to function as a

holding unit for holding the privacy setting for a user who uses said terminal, a privacy

check unit for determining whether to permit, based on said privacy setting, the

notification of the positional information from said terminal to said selected server, and a

providing unit for, upon receiving said position request message from said terminal,

determining by using said privacy check unit whether to permit the notification of the

positional information from said terminal to said selected server, and, if permitted,

providing to said terminal said information on the position of said terminal". Evensen

discloses (¶06, The Provide Subscribe Location message is utilized by the GMLC to

request the subscriber's location, from the Serving GPRS Support Node (SGSN) or

Mobile Switching Center (MSC)) by using said privacy check unit (¶06, The SGSN or

MSC maps the received LCS client ID parameter to the **subscriber's recorded privacy**

parameters (e.g., list of allowed LCS clients) to screen out any unwelcome location

requests), of the user of said terminal about whether to permit the notification of the

positional information to said selected server, and provides to said terminal said

information on the position of said terminal (¶16, providing enhanced user privacy

when responding to a location request from a client requesting location information for a

mobile terminal only when said user permits the notification of the positional information

to said selected server"(¶16, The mobile network includes a service node serving the

mobile terminal and a home location register/home subscriber server (HLR/HSS)

associated with the mobile terminal, wherein mobile unit will send location information to

server (HSS) only if user permits.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use Evensen teaching in privacy setting in location

notification of terminal device and in combination of Ichimura provides computer

program to execute the process through a communication network to supply position

related information which is related to the position information in question from the

server) see (¶29).

Rationales for arriving at a conclusion of obviousness suggested by the

Supreme Court's decision in KSR include: Known work in one field of endeavor may

prompt variation of it for use in either the same field or a different one based on design

incentives or other market forces if the variations are predictable to one of ordinary skill

in the art; The TSM test.

Regarding claim 51-55 have limitations similar to those treated in the above claim

50 rejection(s), and are met by the references as discussed above.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- USPAT 7,269,428 B1 to Wallenius et al in method for enabling a user to be

  notified of his/he positioning requests discloses similar invention as claim 1.

- US-PGPUB 2005/0032529 A1 to Akama in positioning information providing

  method and positional information providing system discloses similar invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KUO WOO whose telephone number is (571)270-7266.

The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KUO WOO/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617